

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 23-cv-22548-JEM

JESUS GONZALEZ

Plaintiff,

v.

MALAUBE LLC, d/b/a Spris,
and SEVEN SKIES COMPANY, INC.

Defendants

MOTION TO SET ASIDE ORDER AND REOPEN CASE [DE 11]

COMES NOW Plaintiff, Jesus Gonzalez, by and through the undersigned counsel, hereby respectfully moves for this Honorable Court to set aside Order on Notice of Settlement [DE 11], and in support thereof states as follows:

1. On August 21, 2023, Plaintiff filed a Notice of Settlement with Defendant, Malaube, LLC, d/b/a Spris, [DE 10], copy attached hereto as “Exhibit A”.

2. On August 23, 2023, this Court entered an order based upon the Notice of Settlement, closing the case as to all Defendants in error.

3. The closing of this action in its entirety was mistakenly entered for all Defendants. All claims are still pending as to Defendant, Seven Skies Company, Inc., as it was not part of the of the settlement.

4. At this time, there is a Clerk’s Default as to Defendant, Seven Skies Company, Inc, for failure to file a responsive pleading or motion to the Complaint as required by law.

5. Plaintiff will be terribly prejudiced if the order entered on August 23, 2023, is not set aside.

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6. Plaintiff should not be prejudiced for clerical error.
7. This Motion is being made in good faith and not for the purpose of undue delay
8. Therefore, Plaintiff respectfully requests this Honorable Court grant the instant Motion and set aside the order [DE 11] entered on August 23, 2023, and reopen the case allowing Plaintiff to litigate this action.

WHEREFORE, based upon the foregoing, Plaintiff, Jesus Gonzalez respectfully requests this Honorable Court to set aside the order administratively closing this case and claims raised against Defendant, Seven Skies Company, Inc, reopen the case, and such further relief as this Court deems just and equitable.

Respectfully submitted this August 23, 2023.

By: /s/ J. Courtney Cunningham
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 23, 2023, an electronic copy of the foregoing document was filed with the Clerk of Court using the CM/ECF system which will send notice of electronic filing to all parties and Counsel of record.

By: /s/ J. Courtney Cunningham
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